

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

STRIKE 3 HOLDINGS, LLC,

Plaintiff,

v.

JOHN DOE subscriber assigned IP address
24.170.6.13,

Defendant.

Civil Case No. 3:23-cv-01669-B

Judge Jane J. Boyle

**PLAINTIFF’S APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO
EFFECTUATE SERVICE ON JOHN DOE DEFENDANT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Strike 3 Holdings, LLC (“Plaintiff”), makes this application for entry of an order extending the time within which to effectuate service on John Doe Defendant, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant’s true identity is known by their Internet service provider (“ISP”).
2. On August 4, 2023, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference (“Motion”) in order to serve a third-party subpoena on Defendant’s ISP.
3. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff was required to effectuate service on the Defendant no later than October 25, 2023. On October 25, 2023, Plaintiff filed its first application for extension of time to serve Defendant (“Application”). On October 26, 2023, the Court struck the Motion and the Application because they were filed under seal. The Court also permitted Plaintiff to refile the Motion and Application unsealed. On October 27, 2023, Plaintiff refiled the Motion unsealed on the public docket.

4. Therefore, Plaintiff's Motion is pending before the Court. Without permission to serve a subpoena on Defendant's ISP, Plaintiff cannot learn Defendant's identity and, therefore, is unable to comply with the current deadline to effectuate service of process.

5. For the foregoing reason, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended an additional 60 days (60) days, and thus the deadline to effect service be extended to December 24, 2023.

6. This application is made in good faith and not for the purpose of undue delay.

7. This is Plaintiff's first request for an extension. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended until December 24, 2023.

Dated: October 27, 2023

Respectfully submitted,

By: /s/ Paul S. Beik
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ATTORNEY FOR PLAINTIFF

Certificate of Non-Conferral

Because Defendant has not yet been identified, Plaintiff was unable to confer with Defendant or his or her counsel regarding the present Application.

By: /s/ Paul S. Beik
PAUL S. BEIK